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September 5, 2018

**Via Electronic Filing - CM/ECF**

Honorable Renee Marie Bumb, U.S.D.J.  
United States District Court - New Jersey  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets - Room 1050  
Camden, New Jersey 08101

**Re: Smith v. New Jersey Education Assoc., et al.**  
**Civil Action No. 1:18-cv-10381 (RMB) (KMW)**

Dear Judge Bumb:

As Your Honor is aware, this office represents the Clearview Regional High School Board of Education and the Harrison Township Board of Education (hereinafter referred to respectively as "Clearview" and "Harrison") as defendants named in the above-referenced matter.

We are in receipt of the submission by the various Education Association defendants (**CM/ECF Document No. 68**).

In an effort to avoid belaboring any point, we simply reference the following passage<sup>1</sup> from correspondence, dated August 31, 2018, which counsel for the Education Associations sent to Mr. Cavallo:

In the interim, I want to express our significant concerns regarding the vigor with which you and the Board intend to defend against the claims of the Plaintiff. These concerns are heightened by the position which the Board recently expressed regarding dues deductions, as indicated in the attached correspondence from Steven Cohen, Esq. Similarly, other Boards which you represent have been the subject of restraining orders by PERC because of refusal to comply with existing law. The positions you have asserted on behalf of those Boards (and now Clearview) are diametrically opposed to those which would be required to advocate vigorously in the above litigation.

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<sup>1</sup> A full copy of Mr. Fagella's letter will be brought to tomorrow's conference.

**COUNSEL WHEN IT MATTERS.<sup>SM</sup>**

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We also attach a copy of additional correspondence, attached hereto as **Exhibit A**, from the other counsel for the Clearview Education Association, sent today to PERC.

We look forward to discussing these letters before Your Honor during tomorrow's conference.

Respectfully submitted,

/s/ Andrew W. Li

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Enc.

cc: All counsel of record - via CM/ECF